



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/643,333

08/19/2003

Dianne M. Goodwin

1166.1101101

3993

28075 7590 09/29/2008
CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403-2420

EXAMINER

KATCHEVES, BASIL S

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

09/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/643,333	Applicant(s) GOODWIN ET AL.	
	Examiner BASIL KATCHEVES	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-20 and 39-47 is/are pending in the application.
- 4a) Of the above claim(s) 8-20 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,40-43 and 45-47 is/are rejected.
- 7) ☒ Claim(s) 44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 7/24/08.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 40-43 and 45-47 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,579,799 to Zheng.

Regarding claim 40, Zheng discloses a collapsible structure having a door (fig. 8) which is fan shaped and made of a flexible material, which moves from an open to a closed position by a curvilinear motion (rolled figs. 8) and is inherently capable of pivoting about its attachment point (fig. 8: line opposite point of door).

Regarding claims 41-43, Zheng discloses two reinforcing members (fig. 8: folded portions meeting at point) which radiate from the attachment point.

Regarding claims 45-47, Zheng discloses all the materials as made of a flexible fabric and the structure being a tent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,532,699 to Franklin et al. as in the previous action.

Regarding claim 1, Franklin discloses a structure which has a double layered wall (fig. 6: 114, 112 & both inside and outside of wall fig. 10: 110, 144), the door (24) is positioned between the wall layers, and the door is configured to allow passage through an entranceway into the structure. Franklin does not particularly disclose the structure as being collapsible. However, Franklin discloses portable structures (column 1, lines 29-32). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the structure portable in order to relocate to better surroundings affording better lighting, a portable structure would have components that are removable, or collapsible, such as removable shelving, removable doors, etc, in order to aid in the relocation of the structure.

Regarding claim 2, Franklin discloses the door as fitting within the double layered wall (fig. 6: 114). The door shape is a shape capable of acting as a fan, pushing air.

Regarding claim 4, Franklin discloses the door as sliding and fitted between the layers (114).

Regarding claim 5, Franklin discloses a reinforcement member (132) coupled to the door).

Regarding claim 6, Franklin discloses the door as having a fastener (126) coupled to it.

Regarding claim 7, Franklin discloses the door as flexible (column 2, line 49).

Claim Objections

Claim 44 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 7/24/08 have been fully considered but they are not persuasive. The applicant argues that the prior art, Zheng, does not teach a reinforcement member in the door as in claim 41. However, the door of Zheng, (shown in fig. 8) shows the folded sides as reinforcing the door, these reinforcing folds radiate from their respective corners and meet the limitations of claim 43. The applicant also argues the meaning of radiate. However, the limitation is broadly interpreted and is not limited to being similar to "the hands of a clock" as the applicant argues. The applicant argues the layered structure, this is convincing and

Art Unit: 3635

the rejection of claim 44 removed. The applicant argues, regarding the Franklin reference, that it is not collapsible. The applicant should note that most any structure is inherently capable of being collapsed. Also, since Franklin is portable, removal or disassembly of components would be obvious in order to prevent breaking portions of the greenhouse. Applicant also argues the limitation of a fan shaped door. This is not persuasive since a fan is something used to push air, a door of most any shape is capable of pushing air, meeting this limitation.

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3635

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

/Basil Katcheves/

Primary Examiner, Art Unit 3635